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JAMES C. SIMMONS

Name

James C. Simmons

Signature

February 20, 2001

Date of signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Apostolopoulos

Serial no.: 09/695,338

Filed: October 24, 2000

For: BRIDGE PLATFORM

Art Unit: 3634

Examiner:

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith is a Second Preliminary Amendment.

This Statement is being submitted to have a filing date before the mailing date of a first office action on the merits. It is therefore respectfully requested that it be considered.

Enclosed is a copy of form 1449 along with copies of references 11, 12, and 13 (which are related patents of Applicant) and reference 14. Copies of the remaining references listed thereon are not enclosed since they were previously cited by or submitted to the Office in one or the other of parent applications 09/352,227, filed July 13, 1999, and 08/506,685,

filed July 25, 1995, which parent applications are relied upon for an earlier filing date under 35 USC 120. Thus, in accordance with 37 CFR 1.98(d), copies thereof are not provided.

Counsel for Jupiter Painting contracting Co., Inc. brought to the attention of the undersigned attorney that there was a letter in the offices of the State of Connecticut Department of Transportation, District IV, and that it was his information that it (along with other files pertaining thereto) was scheduled for destruction in 2001. For the stated purpose of preserving the authenticity of the letter for possible later use as evidence, he filed a Declaratory Judgment action in the United States District Court for the Eastern District of Pennsylvania (Jupiter Painting contracting Co., Inc. v. Paul Kristen, Inc. and Safespan Platform Systems, Inc., case number unknown), and arranged for issue of a subpoena to the Connecticut Department of Transportation for "testimony and production, on December 29, 2000, of any and all documentation pertaining to Project 174-200/201, Thomaston, Connecticut, Containment System Engineering, from inception to present." Counsel for the plaintiff stated that they did not intend to serve the complaint against defendants unless they were unable to obtain the deposition and satisfactorily resolve the matter within the next few months. The deposition was held on December 29, 2000, the letter (reference 14) was produced, and steps were taken by counsel for Jupiter Painting contracting Co., Inc. for the purpose of authenticating it.

Reference 14 is a Letter which states that the attachment is a submittal and that the work associated with the submittal is in addition to that required by the original contract, and a price was submitted. The Examiner's attention is drawn to a page numbered 11 of the attachments to the Letter (reference 14) which contains a sketch labeled "Section B-B."

The claims of the above identified application have been

amended to more clearly recite what Applicant regards as the invention. It is respectfully submitted that the claims, as amended, patentably distinguish over reference 14 as well as the other cited art. A favorable action in this application is therefore respectfully requested.

Respectfully submitted,

James C. Simmons

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Enclosure

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